

REMARKS:

The claims in the application are 3-9 and 13-30.

Favorable reconsideration of the application as amended is respectfully requested.

The present amendment is being made in accordance with a telephone interview between the Examiner in charge of the above-identified application at the Patent and Trademark Office and the undersigned attorney on Thursday, September 24, 2009. The courtesy extended by the Examiner in arranging for and conducting the telephone interview is greatly appreciated.

Claims 11 and 12 have been canceled without prejudice, eliminating the rejection under 35 U.S.C. §112, first paragraph, raised in paragraph 3 of the Final Office Action. Claims 3, 6, 7, 29 and 30 have been amended as discussed during the telephone interview, while Claims 10, 31 and 32 have been canceled without prejudice to reduce the overall number of independent claims. The amendment to Claim 7 finds explicit support, e.g., at page 10, lines 18-35 of the specification and in Fig. 2. Additionally, the Declaration executed by inventor Uwe Bottcher, presented for discussion during the telephone interview, is also attached.

Claims 3-10, 13-17 and 29-32 have been rejected under 35 U.S.C. §103 as obvious over U.S. Pat. No. 5,395,101 to Takimoto et al in view of U.S. Pat. No. 5,842,622 to Mansfield et al in paragraph 5 of the Final Office Action while Claims 15 and 18-20 have been rejected under 35 U.S.C. §103 as obvious over U.S. Pat. No. 6,668,128 to Hattori et al in view of Takimoto et al in paragraph 6 of the Final Office Action.

It is respectfully submitted the invention recited in all pending claims herein is patentable over the applied art, for the following reasons.

As stated in paragraph 3 of Uwe Bottcher's Declaration, precise cleaving of an optical fiber normally to fiber axis had been difficult with a vibrating cleaving blade, because it had been difficult to properly clamp and orient the fiber. However, the present invention provides for such precise cleaving or cutting by, among other features, the specific components set forth in paragraph 4 of Uwe Bottcher's Declaration.

It is stated in paragraph 6 of Uwe Bottcher's Declaration, Fig. 11 of Mansfield et al do not show any provision of a "guide" on cleaver 33, with clamp 28 being secured to hammer 38 in Fig. 10 of Mansfield et al in the absence of any guide. Concerning the Examiner's comments during the telephone interview on Fig. 10 of Mansfield et al allegedly showing a recess serving as a guide, as also pointed out during the telephone interview, Fig. 10 of Mansfield et al show a recess in pivot arm 40 into which a cleaving hammer 38 is locked. In this regard, independent Claims 3 and 29 have been amended to recite clamping member 22 is directly received in guide 44 (reference is being made to preferred embodiments of the present invention illustrated in the drawings of the present application).

Accordingly, Uwe Bottcher concludes, in paragraph 6 of his Declaration, the combination of Takimoto et al and Mansfield et al would, if anything, lead him, one skilled in the art, away from include a guide 44 in the manner and position as being claimed herein. Furthermore, in paragraph 7 of his Declaration, Uwe Bottcher points out Hattori et al fail to show biasing spring member 8 contacting a grooved clamping member on a side or end opposite the grooved clamp face. In Fig. 5(B) of Hattori et al, spring 8 abuts flat-faced clamping member 7, not a grooved clamping member. Accordingly, Mr. Bottcher concludes, in the same paragraph, the combination of Takimoto et al and Hattori et al fail to suggest providing compressed air drive means 19 contacting a grooved clamping member 2 on a side or end opposite the grooved clamp face 23 and which is recited (along with other features) in independent Claim 15 herein.


In other matters, independent Claims 6 and 30 have been amended to recite clamping member 21 is at all times stationary with respect to the framework 45 of the claimed arrangement, in accordance with the comment at the middle of page 6 of the Final Office Action and discussion during the telephone interview. Additionally, it is respectfully submitted independent Claim 7 as presented herein is neither disclosed nor suggested by the applied art.

The remaining art of record has not been applied against the claims and will not be commented upon further at this time.

Accordingly, in view of the forgoing amendment, accompanying remarks and telephone interview, it is respectfully submitted all claims pending herein are in condition for allowance. Please contact the undersigned attorney should there be any questions. RCE transmittal papers are enclosed together with the requisite RCE filing fee plus a petition for an automatic three-month extension of time for response under 37 C.F.R. §1.136(a) with the requisite petition fee.

Early favorable action is earnestly solicited.

Respectfully submitted,


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